

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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TJ

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	
09/226,216	01/07/99	OHTANI	H	0756-1921
MM91/0411			EXAMINER	
GERALD J FERGUSON JR SIXBEY FRIEDMAN LEEDOM & FERGUSON 8180 GREENSBORO DRIVE SUITE 800 MCLEAN VA 22102			ABRAHAM, F	
ART UNIT		PAPER NUMBER		
		2811		
DATE MAILED: 04/11/00				

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/226,216	Applicant(s) OHTANI et al
Examiner Fetsum Abraham	Group Art Unit 2811

Responsive to communication(s) filed on _____
 This action is FINAL.
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 1-15 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) _____ is/are rejected.
 Claim(s) _____ is/are objected to.
 Claims 1-15 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on _____ is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been
 received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Unit: 2811

RESTRICTION REQUIREMENT

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-4,10-15, drawn to a structure, classified in Class 257, subclass 347.

II. Claims 5-9, drawn to a methode of crystallizing a structure, classified in Class 438, subclass 482.

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, a single metal crystallizing enhancer different from one used in the claims out of the many choices in the art could have been used as a crystallizing agent.

Because these inventions are distinct for the reasons given above and as shown by the above different classifications, the fields of search are not co-extensive and separate examination would be required for examination purposes and the restriction requirement as indicated is proper.

Any inquiry concerning this communication should be directed to Fetsum Abraham at telephone number (703) 305-3793.

Fetsum Abraham

4/6/00

[Handwritten Signature]
FETSUM ABRAHAM
PRIMARY EXAMINER